



Neel Chatterjee
+1 650 752 3256
NChatterjee@goodwinlaw.com

Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210

goodwinlaw.com
+1 617 570 1000

February 28, 2018

VIA ECF

Honorable Judge Lucy H. Koh
San Jose Courthouse, Courtroom 8 - 4th Floor
280 South 1st Street, San Jose, CA 95113

**Re: Defendants' Failure to Comply With Contempt Sanctions
Facebook, Inc. v. Power Ventures, Inc., et al., No. 08-CV-05780-LHK**

To the Honorable Judge Lucy H. Koh:

We write this letter on behalf of Facebook to seek the Court's guidance in this matter. Defendants Steve Vachani ("Vachani") and Power Ventures, Inc. ("Power") have not made any attempt to comply with your August 8, 2017 Order Granting Motion For Attorney's Fees And Granting In Part Motion For Contempt Sanctions (the "Order"). Dkt. No. 470. Despite repeated attempts to resolve these issues, at this juncture, we believe we have exhausted all options to recover the discovery sanction, attorney's fees, and additional contempt sanctions—as well as to secure compliance with the injunction—that Facebook is due under the Order.

As part of the Order, Power and Vachani were both found to be in contempt of the Court's earlier February 15, 2017 order requiring payment of the discovery sanctions. Defendants were given five days to pay the \$39,796.73 owed. Each day thereafter that they were not in compliance, they were to pay \$100 as a further sanction. Defendants have not made any attempt to pay that amount. The Order also (a) awards Facebook \$145,028.40 in attorney's fees, jointly and severally against both Power and Vachani, and (b) orders Vachani within 5 days of the order to file a new certification of compliance related to the Court's May 2, 2017 permanent injunction that reflects he has complied with each aspect of that injunction. Neither Power nor Vachani has attempted to pay the attorney's fees, and Vachani has yet to adequately certify compliance with the permanent injunction. Power and Vachani have appealed the Court's injunction and the Court's order related to compensatory damages. Power and Vachani have not appealed the Court's award of attorney fees, the Court's contempt sanctions, or the discovery sanctions in the current appeal. Vachani has not moved to stay the Court's judgment on any issue that is the subject of their appeal.



February 28, 2018
Page 2

Power Ventures and Vachani have very clearly shown that they have no intention of complying with the Court's order. Facebook is at a loss as to what else it can do. Facebook respectfully requests that the Court provide guidance as to what next steps Facebook should take to secure compliance with the injunction, discovery and contempt sanctions, and attorney's fee award in this case.

Sincerely,

A handwritten signature in blue ink that appears to read "Neel Chatterjee".

Neel Chatterjee

NC